

31. **ISSUE: HENDERSHOTT DISPLAYED A LACK OF PROFESSIONALISM AND
ETHICS BY ALTERING STATISTICS RE: POSSE MEMBERS – SUBJECT:
HENDERSHOTT**
(Munnell Memo p. 54)

Chief Deputy David Hendershott

H26A. Allegedly, circa 1997, Chief Deputy David Hendershott inappropriately altered statistics prior to a press event attended by Sheriff Joe Arpaio and Attorney General Grant Woods. Prior to the event, Sgt. Lee Luginbuhl had compiled various statistics relating to the "Butt-Out" program, and had written the statistics on a white board in the briefing room where the press conference was going to be held. Prior to the conference, Luginbuhl witnessed Hendershott erase the numbers placed on the board by Luginbuhl and write in grossly exaggerated figures in various categories. These highly inaccurate figures were on the board at the time the press conference took place. Subsequently, Sgt. Luginbuhl reported Hendershott's actions to his immediate supervisor, Frank Munnell.

HENDERSHOTT'S WRITTEN ACCOUNT

Hendershott's lack of Professionalism and Ethics

During my many years assigned to the Enforcement Support Division, Hendershott very often displayed a serious lack of professionalism and ethics in the presence of our employees.

In the winter of 1996, MCSO conducted Operation Butt-Out involving the use of juveniles to purchase cigarettes. Hendershott put tremendous and unreasonable pressure on me, and my staff, to continue to increase the number of citations issued and he became very upset with our lack of juvenile volunteers.

On February 22, 1997, the final operation for Operation Butt-Out was planned and a press conference and kick-off was held at the Enforcement Support Division building. Because of Hendershott's pressure to have high numbers of volunteers for the media, we had far too many posse members than we could possibly use and had to keep them in two separate areas of the building.

In preparation for the press event that Attorney General Grant Woods attended, a large signboard was made to show the media all of the operation's statistics for the operation. In front of two office employees, Hendershott changed the number of posse members participating in the event from one hundred and sixty-seven (167) to Six-hundred and sixty-seven (667) by changing a number with a marker. Sgt. Lee Luginbuhl witnessed this falsification of a public record and brought it to my attention, stating that Hendershott wanted the Sheriff to believe the number of posse members participating in the operation was larger. These statistics were intended to inform the media and the public of the committed resources to our law enforcement operations. I believe the falsification of those statistics constitutes a violation of ARS 13-2407, Tampering with a Public Record, a Class Six Felony.

WITNESSES LISTED BY MUNNELL _____

1
2 Lt. Lee Luginbuhl (retired) Witness
3 Communications Lisa Allen Witness
4 Deputy Chief Frank Munnell Advised of matter by Luginbuhl
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6 **WITNESS ACCOUNTS**
7

8 **Frank Munnell**
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10 Information about this event came to Munnell from Lee Luginbuhl, a former employee of
11 MCSO. Basically, Luginbuhl indicated that Hendershott, who was a Deputy Chief over
12 Enforcement Support at the time, changed statistics, and basically inflated the number
13 of Posse members participating, prior to a press conference. Munnell's account is
14 found on p. 90 of Exhibit II 28b.
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16 **Lee Luginbuhl**
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18 During the time of this incident, Luginbuhl was a Sergeant, assigned as the Search and
19 Rescue Coordinator. He was also responsible for extra duties working for the
20 Enforcement Support section under the Community Services side. Luginbuhl explained
21 that this incident occurred during operation "Butt Out," where juveniles were given
22 money to attempt cigarette purchases, with the goal of issuing citations to the
23 merchants who sold the cigarettes to the juveniles. Luginbuhl would pull shifts, as
24 supervisor, and help coordinate the posse members and the juveniles that came in to
25 purchase the cigarettes. Luginbuhl handed out and reconciled the money for the
26 purchases and compile the statistics for the entire operation.
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28 Luginbuhl said that he took the data he collected during the operation, compiled the
29 statistics and wrote them on a board in the briefing room at the Enforcement Support
30 division, located at 35th Avenue and Durango at that time. The statistics were to be
31 released to the media and Hendershott, a Director at the time, changed the numbers.
32 Luginbuhl gave the following account.
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34 A: And I was doing this in preparation for the media release so the media
35 could see what we did as far as for a total operation and as far as the amount of
36 citations that were issued in arrest. Now, I have no recollection now of the exact
37 numbers or anything. I do know and what I witnessed was, at that time it was
38 Director Hendershott. After I completed and I put the numbers on the wall he
39 came in and erased all the numbers that I put up there and in, basically put his own
40 numbers that were entirely fictitious of any documentation that I had on it. Only
41 in the memo as it stated, as far as for the numbers, I didn't have those to recall on,
42 but when I read them again I believe they're accurate for what Deputy Chief
43 Munnell wrote. Because I remember I was shocked when I seen him do this and
44 then I reported it to, at that time it was Lt. Munnell who was my Commander. I

1 reported that this had occurred and I wasn't sure what else to do. So, that's . . . (p.
2 2, Exhibit II24)

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4 Lee Luginbuhl thought that there could have been others present, who may have
5 witnessed Hendershott change the statistics, including Deputy Burden, Dave Latemo
6 and/or Tim Palmer. Luginbuhl explained that there were several columns of statistics
7 written on the dry erase board, accounting for the number of hours devoted to the
8 project, the types of arrests, and possibly the names of the posse members and
9 juveniles involved in the operation.

10
11 When Hendershott erased and replaced the statistics written by Luginbuhl, he was
12 visibly upset, and Luginbuhl was sure Hendershott made a statement about the
13 statistics, but Luginbuhl could no longer recall what Hendershott may have said. The
14 new statistics written by Hendershott at least tripled the original statistics written by
15 Luginbuhl. To the best of Luginbuhl's recollection, these statistics were going to be
16 presented to the Sheriff and the Attorney General at the time, Grant Woods, who was
17 involved with the "Butt Out" operation.

18
19 Luginbuhl reported his observations of Hendershott's actions to Frank Munnell and
20 Brian Sands, who were both present in Munnell's office at 35th Avenue and Durango.

21
22 **David Hendershott**

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24 Hendershott indicated that he did not have any memory of these events. He indicated
25 that Chief Sands was in charge of the Butt Out operation, as he put it, "The statistics of
26 the operation I could care less." (p. 62, Exhibit II16e) Rather than respond to the
27 allegation, Hendershott launched into an explanation that Lee Luginbuhl and Frank had
28 been "chewed out" by Hendershott for sending porn clips to each other, and there was
29 "bad blood at that particular time...because I told them to knock it off." (p. 62, Exhibit
30 II16e) Hendershott acknowledged that he did not discipline either of them for this
31 alleged behavior. Hendershott expressed outrage that matters that had occurred such
32 a long time ago, circa 1997, were being raised in the present investigation.

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34 In any event, when asked whether it is possible that Hendershott had erased numbers
35 that had been placed on the board by Luginbuhl, and wrote in exaggerated figures in
36 place of those numbers, Hendershott acknowledged that it was possible, but he did not
37 remember doing so. As he put it, "That would have been something that was below my
38 pay grade." (p. 63, Exhibit II16e)

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40 When asked if he may have been motivated to make the changes to make the program
41 look more successful, Hendershott stated, "Well, the answer to the question is no,
42 because there were so many it didn't matter." He then stated, "I'm not trying to throw
43 anything onto the Sheriff for this, and I'm certain he wouldn't remember either, but you
44 know, maybe the Sheriff said something. I don't know." (p. 63, Exhibit II16e)

1 Hendershott's comments suggested that he thought that changing the numbers was
2 entirely inconsequential. He put it as follows.

3
4 I mean, let's assume that I did it at the time. Just for the sake of argument. Who
5 cares? I would be the Captain involved and if I had reason to believe that we put
6 up something wrong there's nothing to prevent me from doing that. Big deal.
7 Who cares? If I had a different, but I'm just telling you, I don't, I don't remember
8 anything about it. (p. 63, Exhibit II16e)
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